

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 03-1338**

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In Re: CHARLES V. BEAHM, JR.; KATHRYN B.  
BEAHM; KATHY A. JOHNSON; RANDY W. JOHNSON,

Petitioners.

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On Petition for Writ of Mandamus. (CA-02-21-3)

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Submitted: June 10, 2003

Decided: July 18, 2003

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Before MICHAEL, MOTZ, and TRAXLER, Circuit Judges.

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Petition denied by unpublished per curiam opinion.

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Charles V. Beahm, Jr., Kathryn B. Beahm, Kathy A. Johnson, Randy W.  
Johnson, Petitioners Pro Se.

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Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Petitioners\* seek a writ of mandamus compelling the district court to join them as party plaintiffs to an existing lawsuit. For the reasons that follow, we find that such relief is unavailable.

Mandamus relief is available only when the petitioner has a clear right to the relief sought. See In re First Fed. Sav. & Loan Ass'n, 860 F.2d 135, 138 (4th Cir. 1988). Further, mandamus is a drastic remedy and should only be used in extraordinary circumstances. See Kerr v. United States Dist. Court, 426 U.S. 394, 402 (1976); In re Beard, 811 F.2d 818, 826 (4th Cir. 1987). Mandamus may not be used as a substitute for appeal. See In re United Steelworkers, 595 F.2d 958, 960 (4th Cir. 1979).

The relief sought by Petitioners is not available by way of mandamus. In particular, mandamus is not the only adequate remedy available to Petitioners, and Petitioners are unable to meet all the requirements set forth in In re Braxton, 258 F.3d 250, 261 (4th Cir. 2001), for obtaining mandamus relief. Accordingly, we deny the petition for writ of mandamus. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED

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\* "Petitioners" refers to Charles V. Beahm, Jr., Kathryn B. Beahm, Kathy A. Johnson, and Randy W. Johnson.